

**2. RESPONSE/REMARKS**

**2.1 STATUS OF THE CLAIMS**

*Claims 1-7, 9-31, 46-48, 51, 54 and 70-75 were pending at the time of the Action, and subject to a restriction requirement.*

*Claims 70 and 71, directed to non-elected inventions, are canceled herein without prejudice or disclaimer.*

*Claims 1-7, 9-31, 46-48, 51-, 54, and 72-75 are now pending in the application, and are ready for initial examination on the merits.*

**2.2 SUPPORT FOR THE AMENDMENT**

The pending claims are fully supported by the original specification and claims as filed. Applicants certify no new matter is included by entry of the present amendment.

**2.3 REQUIREMENT FOR RESTRICTION**

The Action on page 2 states that the Application allegedly contains claims directed to three distinct inventions. As such the Office has issued a requirement for restriction. The three allegedly-distinct inventions are exemplified by the following groups:

**Group I** – claims 1-7, 9-31, 46-48, 51, 54 and 72-75, drawn to an isolated polynucleotide and vectors and host cells;

**Group II** – claim 70, drawn to a method of providing a therapeutic gene to a mammalian host cell; and

**Group III** – claim 71, drawn to a method of preventing the symptoms of a disease.

Without acquiescing in any way with respect to the propriety of the restriction, but solely in the interest of progressing the application to allowance, and mindful of patent term erosion and the expenses associated with a protracted prosecution, Applicants hereby elect, *without traverse*, to prosecute the subject matter of the **Group I** invention.

Claims 70 and 71, drawn to non-elected inventions, have been canceled herein without prejudice or disclaimer.

Applicants also expressly reserve their right to file one or more continuation and/or divisional application(s) directed to any non-elected invention(s) at any time during the pendency of the pending application, or from any application subsequently claiming priority to the present application.

**2.4 CONCLUSION**

Applicants believe that the present paper is fully responsive to the outstanding Action, and further believe that the pending claims are acceptable under all sections of the Statutes and are in condition for initial examination on the merits. Should the Examiner have any questions, a telephone call to the undersigned Applicants' representative would be appreciated.

Respectfully submitted,



Mark D. Moore, Ph.D.  
Registration No. 42,903

**Dated: April 23, 2009**

HAYNES AND BOONE, LLP  
Customer No.: 27683  
Telephone: 713/547-2040  
Facsimile: 214/200-0853  
Client Matter No.: 36689.259  
H-777220v1

**Certificate of Service**

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office via EFS-Web on April 23, 2009



Name